



ENGINEERS &
GEOSCIENTISTS
BRITISH COLUMBIA

**IN THE MATTER OF THE *PROFESSIONAL GOVERNANCE ACT*
S.B.C. 2018, CHAPTER 47**

and

**IN THE MATTER OF EDWARD (TED) JOHN NUNN
ENGINEERS AND GEOSCIENTISTS BC FILE NO. T21-001**

CONSENT ORDER

Background

1. On April 21, 2021, following a hearing, a Panel of the Discipline Committee of the Association of Professional Engineers and Geoscientists of the Province of British Columbia doing business as Engineers and Geoscientists BC, found that Mr. Edward (Ted) John Nunn had breached the *Engineers and Geoscientists Act*, R.S.B.C. 1996, c. 116 (the “*EGA*”) by failing to provide his project file and attend an interview as required by section 33(1)(b) of the *EGA*. Mr. Nunn’s registration with Engineers and Geoscientists BC was suspended until such time as he attended an interview and complied with other conditions set out in the decision (the “2021 Discipline Order”).
2. Mr. Nunn’s registration with Engineers and Geoscientists BC has been suspended since the 2021 Discipline Order and he remains prohibited from engaging in the practice of engineering in British Columbia.
3. On November 22, 2023, pursuant to section 66(1) of the *Professional Governance Act*, S.B.C. 2018, c. 47 (the “*PGA*”), the appointed Investigation Subcommittee of Engineers and Geoscientists BC, issued an investigation report (the “Report”) regarding Mr. Nunn. The Report was provided to the Investigation Committee pursuant to section 9.7.6(1) of the Bylaws of Engineers and Geoscientists BC.
4. The Report concerns Mr. Nunn’s engineering services in relation to the design and installation of eight sewerage systems located in the Kootenays (the “Projects”). Mr.

Nunn's work on seven of the Projects was primarily completed in 2020 and one of the Projects was completed in 2015.

5. On December 7, 2023, the Investigation Committee appointed a Resolution Subcommittee to attempt to resolve this matter by means of a Consent Order.
6. The Investigation Committee and Mr. Nunn wish to resolve this matter by consent pursuant to section 73(2) of the *PGA* to avoid the need for a disciplinary hearing.
7. Mr. Nunn consents to the disposition set out below.

Legislation

8. On February 5, 2021, the *EGA* was repealed and replaced by the *PGA*.
9. The conduct of Mr. Nunn took place at a time when the *EGA* was in force. As a result, the conduct in question is considered pursuant to sections 30(9)(b) and 30(9)(c) of the *EGA*, and the *Bylaws* and *Code of Ethics* under the *EGA*.
10. Pursuant to sections 35(2) and 36(1)(c) of the *Interpretation Act*, R.S.B.C. 1996, c. 238, investigations commenced under the *EGA* carry on procedurally under the *PGA*.

Admissions

11. Mr. Nunn admits that he demonstrated unprofessional conduct contrary to the *EGA* in relation to the engineering services he provided for the Projects. In particular, Mr. Nunn admits that he:
 - a. acted as an authorized person pursuant to the *Sewerage System Regulations*, B.C. Reg. 209/2010 (the "SSR") for the Projects when the design and construction of sewerage systems is outside his area of expertise;
 - b. failed to design the sewerage systems for the Projects in a manner consistent with the *Sewerage System Standard Practice Manual*, Version 3 (the "SPM") including, among other things, failing to:
 - i. specify the location of percolation test pits on the design or site plan;
 - ii. adequately document the percolation or permeameters test data and complete the minimum number of percolation or permeameter holes;
 - iii. provide adequate description of soil characteristics and permeability;
 - iv. include specific site information such as the ground slope of the property, water supply pipelines, and breakout drains;
 - v. provide the details regarding the design of the dispersal system including the plan and profile of the proposed dispersal field, the

linear loading rate from the dispersal field, and the details of the pump and pump chamber;

- vi. utilize a hydraulic loading rate consistent with the requirements of the SPM, or alternatively, specify the rationale for the deviation from the SPM, as required;
- vii. indicate in the design profile the vertical separation of soil and sand, the distance to the restrictive layer, and the impact of the site topography on the seepage bed design; and
- viii. provide an adequate maintenance plan that meets the required standards including preparing as-built drawings;

or alternatively, document the rationale for the deviation from the SPM, as required;

c. failed to adequately document his Project designs, field reviews and supervision of the installation of the Projects; and

d. created a potential risk to public health by failing to abide by the SPM and SSR for the Projects, or alternatively, document the rationale for the deviation from the SPM and SSR, as required.

12. The conduct set out at paragraphs 11(b) and 11(c) is contrary to section 14(b) of the Engineers and Geoscientists BC Bylaws, as it stood at the time, which required, among other things, that members and licensees shall establish and maintain documented quality management processes for their practices including retention of complete project documentation and documented field reviews by, or under the direct supervision of, members of licensees, of their domestic projects during implementation or construction.

13. The conduct set out above at paragraph 11 is contrary to Principle 1 of the *Code of Ethics*, as it stood at the time, which required that all members and licensees shall hold paramount the safety, health and welfare of the public, the protection of the environment and promote health and safety within the workplace.

14. The conduct set out above at paragraph 11 is contrary to Principle 2 of the *Code of Ethics*, as it stood at the time, which required that all members and licensees shall undertake and accept responsibility for professional assignments only when qualified by training or experience.

Disposition

15. By consent, this Consent Order is made pursuant to section 73 of the *PGA*.

- 16. Mr. Nunn’s registration in Engineers and Geoscientists BC is cancelled. Mr. Nunn agrees not to re-apply for registration with Engineers and Geoscientists BC at any time in the future.
- 17. Mr. Nunn will pay a fine of \$2,000 to Engineers and Geoscientists BC contemporaneous with the execution of this Consent Order.
- 18. Mr. Nunn will pay \$1,800 to Engineers and Geoscientists BC contemporaneous with the execution of this Consent Order as a contribution towards the legal and investigative costs incurred in this matter.

Consequences of the Consent Order

- 19. The full text of this Consent Order will be published on the website of Engineers and Geoscientists BC, and a summary will be published in print and electronic publications, including in public communications.
- 20. This Consent Order has the same force and effect as an Order made under section 75 of the *PGA*.
- 21. Mr. Nunn agrees that Engineers and Geoscientists BC has recommended that he receive independent legal advice regarding this Consent Order and that Engineers and Geoscientists BC has given him the opportunity to obtain independent legal advice.
- 22. Mr. Nunn and Engineers and Geoscientists BC agree that this Consent Order may be executed in counterparts and delivered as an electronic document

This Consent Order is approved and accepted by Mr. Nunn and the Investigation Committee this 25 day of July, 2024.

<original signed by>

 Edward (Ted) John Nunn

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 Name of Witness

<original signed by>

 Signature of Witness

The Investigation Committee of the Association
 of Professional Engineers and Geoscientists
 of the Province of British Columbia

<original signed by>

 Per: Peter Helland, P.Eng.
 Chair, Investigation Committee